

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3127
)	
V.)	
)	
LYNNDARRELL FONTAINE BERRY,)	ORDER
SR.,)	
)	
Defendant.)	

The defendant has submitted a document which I construe to be a motion seeking a reduction in the defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2) as a result of the Sentencing Commission's decision to make the amendments to the "crack" Guidelines retroactive. The procedures that the court will use to handle such motions are currently being developed, and the amendments are not retroactive until March 3, 2008. Therefore,

IT IS ORDERED that:

1. The defendant's submission (filing 38) is considered to be a motion made pursuant to 18 U.S.C. § 3582(c)(2).
2. The defendant's motion (filing 38) pursuant to 18 U.S.C. § 3582(c)(2) shall be held in abeyance until further order of the court.
3. My judicial assistant shall call this case to my attention on February 29, 2008.
4. A copy of this memorandum and order shall be transmitted to Chief Probation Officer James Rowoldt and Chief Deputy Probation Officer Mary Lee Ranheim. I request: (a) that they begin to compile a list of all cases on my docket that may warrant a reduction in sentence due to the retroactive amendment of the "crack" Guidelines; (b) that they add this

case to that list; (c) that they begin to develop procedures for the disposition of these types of cases by the probation office; and (d) that they advise me when the aforementioned procedures have been finalized.

5. The Clerk shall mail a copy of this memorandum and order to the last known address of the defendant.

December 18, 2007.

BY THE COURT:

S/ Richard G. Kopf
United States District Judge